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KOT-0090

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EXAMINER

MAHMOOD, REZWANUL

ART UNIT

PAPER NUMBER

2164

NOTIFICATION DATE

DELIVERY MODE

09/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,769	<b>Applicant(s)</b> TAKEDA, MAYUMI	
	<b>Examiner</b> REZWANUL MAHMOOD	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,10,11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,10,11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/03/2008 has been entered. Claims 1, 5-7, 10, 11, and 13-23 are pending in this office action.

### ***Claim Objections***

Claims 1, 7 and 19 are objected to because of the following informalities:

In the amended portion of claims 1, 7, and 19, the phrase "can input" is objected to because it just states intended use, and not a required step for the claimed invention. Also even if the step takes place, it is not clear what happens if a name that does not exist is inputted by the user. It is also not clear from the claim language why a step to input a name that does not exist would even be necessary.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application with useful, concrete and tangible result.

The claimed subject is rejected under 35 USC 101 for being "software per se".

The claimed invention in claim 15 is addressed to "a directory searching program" comprising "steps of controlling a computer to function as a directory searching method" and the claimed invention is subjected to "a directory searching program" comprising "a controlling section to control a computer to function as a directory searching apparatus" that can be interpreted as referring to lines of programming within a computer, rather than referring to a physical object. The claimed invention is not hardware but a program or a software. Accordingly, the claim becomes nothing more than a set of software instructions which are "software per se".

"Software per se" is non-statutory under 35 USC 101 because it is merely a set instructions without any defined tangible output or tangible result being produced. The requirement for tangible result under 35 USC 101 is defined in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47USPQ2d 1596 (Fed. Cir. 1998)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 10, 11 and 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino (US Patent 7,178,110) in view of Martinez (US Patent 6,271,846) and in further view of Bauer (US Patent 5,388,257).

With respect to claim 1, Fujino discloses a directory searching method of searching a plurality of directory structures in a storage medium for a prescribed directory structure, wherein the plurality of directory structures constitutes a hierarchical structure and the prescribed directory structure includes at least two directories (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Here the hierarchical directory structure includes at least two directories).

However, Fujino does not explicitly disclose a directory having a first name and a directory having a second name.

The Martinez reference, however, discloses a hierarchical directory structure with at least two directories of a directory having a first name and a directory having a second name (Martinez: Figure 5A; Here a hierarchical directory structure has at least two directories and the directories have different names).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Fujino with the teachings of Martinez to have at least two directories of a directory having a first name and a

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directory having a second name to provide manipulations of directory tree structures in a computer system (Martinez: Column 4, lines 58-59).

Fujino in view of Martinez discloses:

the directory searching method comprising:

inputting the first name and the second name with an inputting device (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Here the user inputs the first name and the second name with an inputting device such as a mouse);

searching the plurality of directory structures based on the first name and the second name so as to extract all the prescribed directory structure comprising the directory having the first name and the directory having the second name in the storage medium (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B); and

displaying at least part of the prescribed directory structure extracted in the searching step (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B);

wherein the directory having the second name is in the same hierarchy level as the hierarchy level on the directory having the first name (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Here the directory having the second name can be in the same hierarchy level as the directory having the first name),

Fujino and Martinez do not explicitly disclose wherein an operator or user can

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input a name that does not exist in the storage medium.

The Bauer reference, however, discloses an operator or user inputting a name that does not exist in the storage medium (Bauer: Column 5, lines 43-56; Column 6, lines 43-47 and 59-64; Column 7, lines 56-64; Column 8, lines 46-67; Figure 4).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Fujino and Martinez with the teachings of Bauer to input a name that does not exist as the first name and the second name in the inputting step for accessing a file system (Bauer: Col 1, line 20).

With respect to claim 5, Fujino in view of Martinez and in further view of Bauer discloses the directory searching method of claim 1, further comprising:

selecting a part of the prescribed directory structure extracted in the searching step (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B).

With respect to claim 6, Fujino in view of Martinez and in further view of Bauer discloses the directory searching method of claim 1, wherein the at least two directories store a set data containing at least one of image data, sound data and sound image data (Fujino: Column 8, lines 50-63; Figure 20).

With respect to claim 7, Fujino in view of Martinez and in further view of Bauer discloses a directory searching apparatus for searching a plurality of directory structures

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in a storage medium for a prescribed directory, wherein the plurality of directory structures constitutes a hierarchical structure and the prescribed directory structure includes at least two directories of a directory having a first name and a directory having a second name (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B), the directory searching apparatus comprising:

- an inputting device to input the first name and the second name (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Here the user inputs the first name and the second name with an inputting device such as a mouse);

- a searching device for searching the plurality of directory structures based on the first name and the second name so as to extract all the prescribed directory structure comprising the directory having the first name and the directory having the second name in the storage medium (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B);

- displaying device to display at least a part of the prescribed directory structure extracted by the searching device (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B);

- wherein the directory having the second name is in the same hierarchy level as the hierarchy level of the directory having the first name (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Here the directory having the second name can be in the same hierarchy



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level as the directory having the first name), and

wherein an operator or user can input a name that does not exist in the storage medium as the first name and the second name in the inputting step (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Bauer: Column 5, lines 43-56; Column 6, lines 43-47 and 59-64; Column 7, lines 56-64; Column 8, lines 46-67; Figure 4).

With respect to claim 10, Fujino in view of Martinez and in further view of Bauer discloses the directory searching apparatus of claim 7, further comprising: a range specification device to specify a search range (Fujino: Column 7, lines 1-45; Martinez: Figure 5B; Here the user can specify a search range with a mouse).

With respect to claim 11, Fujino in view of Martinez and in further view of Bauer discloses the directory searching apparatus of claim 10, wherein the search range is the top and bottom level in the directory structure (Fujino: Column 7, lines 1-45; Martinez: Figure 5B; Here the range is the top and bottom level in a directory structure).

With respect to claim 13, Fujino in view of Martinez and in further view of Bauer discloses the directory searching apparatus of claim 7, further comprising of:

a selecting device to select a part of the prescribed directory structure extracted by the searching device (Fujino: Column 7, lines 1-45; Figure 9; Figure 10).

With respect to claim 14, Fujino in view of Martinez and in further view of Bauer discloses the directory searching apparatus of claim 7, wherein the at least two directories store a set data containing at least one of image data, sound data and sound image data (Fujino: Column 7, lines 1-45; Column 8, lines 50-63; Figure 20).

With respect to claim 15, Fujino in view of Martinez and in further view of Bauer discloses a directory searching program comprising step of controlling a computer to function as a directory searching method o claim 1 (Fujino: Column 7, lines 1-45; Fig 9).

With respect to claim 16, Fujino in view of Martinez and in further view of Bauer discloses a directory searching program comprising a controlling section to control a computer to function as a directory searching apparatus of claim 7 (Fujino: Column 7, lines 1-45; Figure 9).

With respect to claim 17, Fujino in view of Martinez and in further view of Bauer discloses a storage medium comprising data corresponding to the directory searching program of claim 15 (Fujino: Column 7, lines 1-45; Figure 9).

With respect to claim 18, Fujino in view of Martinez and in further view of Bauer discloses a storage medium comprising data corresponding to the directory searching program of claim 16 (Fujino: Column 7, lines 1-45; Figure 9).

With respect to claim 19, Fujino in view of Martinez and in further view of Bauer discloses a directory searching method of searching a plurality of directory structures in a storage medium for a prescribed directory structure, wherein the plurality of directory structures constitutes a hierarchical structure and the prescribed directory structure includes at least two directories of a directory having a first name and a directory having a second name (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B), the directory searching method comprising:

inputting the first name and the second name with a inputting device (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Here the user inputs the first name and the second name with an inputting device such as a mouse);

searching the plurality of directory structures based on the first name and the second name so as to extract all the prescribed directory structure comprising the directory having the first name and the directory having the second name in the storage medium (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B); and

displaying at least part of the prescribed directory structure extracted in the searching step (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B);

wherein the directory having the second name is in the hierarchy level below the hierarchy level of the directory having the first name (Fujino: Column 7, lines 1-45;

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Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Here the directory having the second name can be in the hierarchy level below the hierarchy level of the directory having the first name), and

wherein an operator or user can input a name that does not exist in the storage medium as the first name and the second name in the inputting step (Fujino: Column 7, lines 1-45; Figure 11; Figure 12; Martinez: Column 3, lines 57-65; Column 7, lines 1-9; Figure 4A; Figure 5B; Bauer: Column 5, lines 43-56; Column 6, lines 43-47 and 59-64; Column 7, lines 56-64; Column 8, lines 46-67; Figure 4).

With respect to claim 20, Fujino in view of Martinez and in further view of Bauer discloses the directory searching method of claim 1, wherein the inputting device is a keyboard (Fujino: Column 4 lines 45-49; Figure 1; Martinez: Column 5, lines 58-67; Column 6, lines 1-6)

With respect to claim 21, Fujino in view of Martinez and in further view of Bauer discloses the directory searching apparatus of claim 7, wherein the inputting device is a keyboard (Fujino: Column 4 lines 45-49; Figure 1; Martinez: Column 5, lines 58-67; Column 6, lines 1-6).

With respect to claim 22, Fujino in view of Martinez and in further view of Bauer discloses the directory searching method of claim 19, wherein the inputting device is a keyboard (Fujino: Column 4 lines 45-49; Figure 1; Martinez: Column 5, lines 58-67;

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Column 6, lines 1-6).

With respect to claim 23, Fujino in view of Martinez and in further view of Bauer discloses the directory searching method of claim 1, wherein the inputting device is a character input device (Fujino: Column 4 lines 45-49; Figure 1; Martinez: Column 5, lines 58-67; Column 6, lines 1-6).

### ***Remarks***

Applicant's arguments with respect to claims 1, 5-7, 10, 11 and 13-23 have been considered but are moot in view of the new ground(s) of rejection.

The applicant stated that support for the amendments is found in Figure 7 and on page 16, lines 11-21 of the present specification. However, examiner could not find any support for the amendments in the cited portions of the specification. Applicant is requested to cite or quote the portion of the specification that support the amendments.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Shi reference (US Patent 6,625,615) teaches about data processing system and method for multi-level directory searches. The Sedlar reference (US Patent 6,427,123) teaches about hierarchical indexing for accessing hierarchically organized information in a relational system. The Brechner reference (US Publication 2004/0215643) teaches about organizing and searching media contents. The Sakai reference (US Publication 2004/0056903) teaches about directory management.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REZWANUL MAHMOOD whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M./  
Examiner, Art Unit 2164

September 15, 2008

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164